

04-04-01

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UTILITY PATENT APPLICATION

TRANSMITTAL

Attorney Docket No. 146323.00001

Express Mail Label No. ET285021415US

Date April 3, 2001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
 Assistant Commissioner for Patents
 Washington, D.C. 20231

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a patent application for

COMPOSITION AND METHOD FOR THE TREATMENT OF RESPIRATORY DISEASE

identified by attorney docket no. (see above).

1. Type of Application

- This application is a new (non-continuing) application.
- This application is a continuation / divisional / continuation-in-part of prior application No. . Amend the specification by inserting before the first line the sentence:
 --This is a [continuation/division/continuation-in-part] of United States patent application No. , filed .--
- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

If for some reason applicant has not requested a sufficient extension of time in the parent application, and/or has not paid a sufficient fee for any necessary response in the parent application and/or for the extension of time necessary to prevent the abandonment of the parent application prior to the filing of this application, please consider this as a Request for an Extension for the required time period and/or authorization to charge our Deposit Account No. 50-1682 for any fee that may be due. THIS FORM IS BEING FILED IN TRIPPLICATE: one copy for this application; one copy for use in connection with the Deposit Account (if applicable); and one copy for the above-mentioned parent application (if any extension of time is necessary).

2. Contents of Application

a. 20 page patent application (including specification, claims and abstract)

- A microfiche computer program (Appendix);
 A nucleotide and/or amino acid sequence submission;
- Because the enclosed application is in a non-English language, a verified English translation is enclosed will be filed.
- Cancel original claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing date purposes.)

b. Drawings on sheet(s).

Date April 3, 2001

- c. A signed Declaration is enclosed / will be filed in accordance with 37 C.F.R. § 1.53(f).

The enclosed Declaration is newly executed / a copy from a prior application under 37 C.F.R. § 1.63(d) / accompanied by a statement requesting the deletion of person(s) not inventors in the continuing application.

d. **Fees**

FILING FEE	Number			Number			Basic Fee
CALCULATION	Filed			Extra	Rate		
Total Claims	22	-	20	=	2	x \$18.00	= \$36.00
Independent Claims	4	-	3	=	1	x \$80.00	= \$80.00
Multiple Dependent Claim(s) Used						\$270.00	= 0.00
FILING FEE - NON-SMALL ENTITY							\$826.00
<input checked="" type="checkbox"/> Applicant claims small entity status.							
Filing Fee - Small Entity (Reduced by 1/2)							\$413.00
Assignment Recordal Fee (\$40.00)							
37 C.F.R. § 1.17(k) Fee (non-English application).....							
TOTAL							\$413.00

- A check is enclosed to cover the calculated fees. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-1682. A duplicate copy of this document is enclosed.
- The calculated fees will be paid within the time allotted for completion of the filing requirements.
- The calculated fees are to be charged to Deposit Account No. 50-1682. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to said Deposit Account. A duplicate copy of this document is enclosed.

3. **Priority Information**

- Foreign Priority:** Priority based on Application No. , filed , is claimed.
- A copy of the above referenced priority document is enclosed / will be filed in due course, pursuant to 35 U.S.C. § 119(a)-(d).
- Provisional Application Priority:** Priority based on United States Provisional Application No. , filed , is claimed under 35 U.S.C. § 119(e).

4. Other Submissions

- A Preliminary Amendment is enclosed.
- An Information Disclosure Statement, sheets of PTO Form 1449, and copies of cited references are enclosed.
- A power of attorney
- is submitted with the new Declaration.
- is of record in the prior application and is in the original papers / a copy is enclosed.
- An Assignment of the invention
- is enclosed with a cover sheet pursuant to 37 C.F.R. §§ 3.11, 3.28 and 3.31.
- is of record in a prior application. The assignment is to , and is recorded at Reel , Frame(s) .
- An Establishment of Assignee's Right To Prosecute Application Under 37 C.F.R. § 3.73(b), and Power Of Attorney is enclosed.
- An Express Mailing Certificate is enclosed.
- Other: acknowledgement postcard
-

Attention is directed to the fact that the correspondence address for this application is:

POWELL, GOLDSTEIN, FRAZER & MURPHY LLP
P.O. BOX 97223
WASHINGTON, D.C. 20090-7223

Respectfully,

Date April 3, 2001
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Date: April 3, 2001

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Assistant Commissioner for Patents
Washington, D.C. 20231

EXPRESS MAILING CERTIFICATE

Applicant: Sita R. Kaura

Serial No. (if assigned):

For: COMPOSITION AND METHOD FOR THE
TREATMENT OF RESPIRATORY DISEASE

Attorney Docket No.: 146323.00001

Attorney: Thomas T. Moga

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I hereby certify and verify that the accompanying PATENT APPLICATION including acknowledgement postcard, check for \$413.00, Transmittal Letter (in triplicate), 20 page patent application (14 pages specification, 5 pages claims, 1 page abstract) and Declaration and Power of Attorney (attached to application) is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.



Signature of Person Mailing Document(s)